

### **REMARKS**

1. In response to the Office Action mailed February 27, 2006, Applicant respectfully requests reconsideration. Claims 1-43 were last presented for examination. Claims 1-21 were rejected and claims 22-43 were withdrawn from consideration in the outstanding Office Action. By the foregoing Amendments, claims 1 and 9 have been amended. No claims have been canceled or added. Thus, upon entry of this paper, claims 1-43 will remain pending in this application. Of these forty-three (43) claims, seven (7) claims (claims 1, 9, 17, 19, 22, 32 and 42) are independent. Based on the above Amendments and following Remarks, Applicant respectfully requests that the outstanding objections and rejections be reconsidered, and that they be withdrawn.

#### ***Art of Record***

2. Applicant acknowledges receipt of form PTO-892 identifying additional references made of record by the Examiner.
3. Applicant acknowledges receipt of the form PTO-1449 filed by Applicant on December 29, 2004, which has been initialed by the Examiner indicating consideration of the references cited therein.

#### ***Election/Restrictions***

4. This application was restricted to one of the following inventions under 35 U.S.C. § 121: Group I including claims 1-21, drawn to an invention (classified in class 710, subclass 8) and Group II including claims 22-42, drawn to an invention (classified in class 705, subclass 59). Applicant affirms that on February 15, 2006, Applicant elected with traverse to prosecute the invention of Group I, (claims 1-21). Cancellation of claims 22-42 is deferred until this application is allowed. Applicant reserves the right to pursue the subject matter of the canceled claims in a continuing application.

#### ***Claim Rejections Under 35 U.S.C §112, second paragraph***

5. Dependent claims 4-8 have been rejected under 35 U.S.C §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner indicated that the step of "receiving an indication that the replaceable electronic module has been replaced with a

replacement replaceable electronic module” is vague because the new replaceable electronic module may or may not be a new module and, as a result, broadly interpreted the claim language to encompass both scenarios. The Examiner correctly interpreted the claim language. Accordingly, Applicant respectfully asserts that the claim language satisfies the requirements of the second paragraph of 35 USC 112. Reconsideration and withdrawal are respectfully requested.

***Claim Rejections Under 35 U.S.C §102***

6. Additionally, independent claims 1, 9, 17 and 19 and dependent claims 2-8, 10-16, 18 and 20-21 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2004/0243798 to Goud *et al.* (hereinafter, “Goud”). Based on the above Amendments and following Remarks, Applicant respectfully requests that these rejections be reconsidered, and that they be withdrawn.

7. Goud is directed to retrieving and executing a BIOS image in a blade system in a manner that overcomes the drawbacks of then-conventional approaches identified by Goud, namely serial updating of blade cards during which time the entire blade server is effectively “off-line.” (*See*, Goud, para. 7.) The disclosed system 100 of Goud includes a blade card 105 comprising one or more processors 130, 140 and other hardware 120. Blade card 105 is one of a number of blade cards 190 controlled by a blade management agent 150 and which collectively access shared resources 170. (*See*, Goud, FIG.1, paras. 12, 13.)

8. In Goud, the BIOS is bifurcated into a boot block portion 110 and a main BIOS portion 160. BIOS portion 110 performs initialization operations while BIOS portion 160 performs all other BIOS operations. Boot block BIOS portion 110 is stored in non-volatile memory on blade card 105, and may contain multiple versions of which one is selected at boot-up to initialize non-processor hardware 120. (*See*, GOUD, paras. 14, 15 and 17.) After initialization, processor 140 requests main BIOS portion 160 from blade management agent 150, which then selects the main BIOS portion 160 appropriate for the particular requesting blade based on a number of criteria. The selected BIOS portion 160 is then authenticated by agent 150 and/or blade processor 140, and is thereafter available for the next boot of the blade card. (*See*, Goud, paras. 16 and 18-21.)

9. The Section 102 rejection of Applicant's claimed invention based on Goud is misplaced for a number of reasons. First, the Examiner appears to have misapprehended Goud or Applicant's claimed invention with respect to the Applicant's claimed first configuration information. Referring to Applicant's claim 1, for example, the second element recites "receiving from [a] replaceable electronic module [that has been installed] first configuration information related to capabilities of the replaceable electronic module to utilize permitted portions of its hardware or to execute permitted software." (*See*, Applicant's claim 1, above.) The Examiner contends that the BIOS portions 110 and 160 of Goud are analogous to Applicant's claimed first configuration information. Applicant respectfully disagrees.

10. Nowhere is it taught or suggested in Goud or the other art of record that Goud's BIOS, whether bifurcated or not, constitutes "configuration information" as claimed. To further clarify the claimed configuration information, Applicant has amended claim 1 to recite that the claimed first configuration information identifies the recited capabilities of the replaceable electronic module. Goud's boot block BIOS portion 110, in contrast, initializes hardware 120 while Goud's main BIOS portion 160 performs other conventional BIOS operations such as POST, virus scanning, etc. There is no teaching or suggestion that either GOUD utilizes configuration information that identifies "capabilities of the replaceable electronic module to utilize permitted portions of its hardware or to execute permitted software" as claimed. For at least this reason, Applicant respectfully asserts that the rejection of Applicant's claim 1 is improper and should be withdrawn.

11. Second, Goud nor the other art of record teaches or suggests "*receiving from [an installed] replaceable electronic module* [such] configuration information ..." and "storing at least some of *the received first configuration information* in a first persistent memory that is not on the replaceable electronic module and that is thereafter accessible by a replaceable electronic module manager regardless of whether the replaceable electronic module remains installed or is subsequently uninstalled." (*See*, Applicant's claim 1, above.) In contrast, Goud's boot block BIOS portion 110 is installed on the blade while Goud's main BIOS portion 160 is stored remotely and selected by blade manager agent 150 in response to a request from the blade, and, once authenticated, is stored on the blade for execution when the blade is next booted. Thus, even if Goud's BIOS portions 110, 160 were analogous to Applicant's claimed first configuration information, which they are

not, they are not received from Goud's blade and stored in a persistent memory that is not on the replaceable electronic module claimed. For this reason alone, Applicant respectfully asserts that the rejection of Applicant's claim 1 based on Goud is improper and should be withdrawn.

12. With respect to Applicant's claim 9, Applicant respectfully asserts that Goud neither teaches nor suggests Applicant's claimed invention as recited in amended claim 9. In addition to the reasons noted above with respect to claim 1, Goud fails to teach or suggest "automatically detecting if the replaceable electronic module is a replacement replaceable electronic module that replaces a previously installed replaceable electronic module by comparing configuration information stored in the replaceable electronic module with configuration stored in a persistent memory that is not on the previously installed nor replaceable electronic modules." For this reason as well, Applicant respectfully asserts that claim 9, as amended, is patentable over the art of record.

13. For similar reasons, Applicant respectfully asserts that independent claim 19 is allowable over the art of record.

***Dependent Claims***

14. The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter which makes them *a fortiori* independently patentable over the art of record. Accordingly, Applicant respectfully requests that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

***Conclusion***

15. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

Respectfully submitted,

/Michael G. Verga, Esq./

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August 28, 2006